

**REMARKS**

This Amendment is filed in response to the Office Action mailed on August 25, 2004. All objections and rejections are respectfully traversed.

Claims 1- 39 are in the case.

Claims 14-39 were amended to better claim the invention.

Claims 1 and 6 were added to better claim the invention.

At Paragraph 1 of the Office Action the drawings were objected to.

Figure 1 has been amended to have item 100.

Fig 1 has been amended to change item 128 to item 122.

A copy of Figure 1 with the corrections marked in red is enclosed for approval by the examiner. Also, a substitute set of formal drawings is enclosed herewith.

Page 13 has been amended to have reference numeral “400”.

Page 17 has been amended to have reference numeral “700”.

At Paragraph 2 of the Office Action the Specification was objected to.

A first abjection is on the grounds that Applicant’s “Brief Description of the Drawings” does not refer to Fig. 7. A description of Fig. 7 is taken from Page 17 of the specification at lines 11-12. Amendment of Page 7 is believed to satisfy this objection.

A second objection is that item “DNS” is shown as item “130” in Fig. 1, and is referred to as item “132” in the Specification at Page 7. Amendment of Page 7 is believed to satisfy this objection.

At Paragraph 3 of the Office Action the Specification at Page 9 line 24 was objected to because of the words “serial link apology”. Amendment of Page 9 is believed to satisfy this objection.

Also at Paragraph 3 of the Office Action the Specification was objected to on the grounds that at Page 13 lines 9 and 10, there is a duplication of “the client can”.

At Paragraph 4 of the Office Action Claim 6 was indicated to be allowable if written in independent form. Amendment of Claim 6 is believed to satisfy this objection.

At Paragraph 5 of the Office Action, Claim 1 was rejected under 35 U.S.C. § 112, second paragraph. Amendment of Claim 1 is believed to satisfy this rejection.

At Paragraph 6 of the Office Action Claims 8 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bhanot et al. U. S. Patent No. 5,796,934 issued August 14, 1998 (hereinafter Bhanot).

The present invention, as set forth by representative claim 8, comprises in part:

8. A file server for use in a file server cluster, the file server operatively intercon-nected with a set of clients using a network protocol, the network protocol being free of support for moving a transport address from a first file server to a second file server, the file server comprising:  
a cluster interconnect, the cluster interconnect providing a communications link to a partner file server in the file server cluster;  
*a primary data access port for receiving file service operations from file server clients; and*  
*a secondary data access port, the secondary data access port only being active when the file server detects that the partner file server has suffered an error condition, wherein the file server processes file service operations received via the secondary data access port to provide file service operations to clients of the partner file server.*

Bhanot discloses a backup system with a log of transactions. In the event of failure by a primary server, a backup server replays the log in order to rebuild any transactions which were in progress at the time that the primary server failed.

Applicant respectfully urges that Bhanot has no disclosure of Applicant's claimed novel *a secondary data access port, the secondary data access port only being active when the file server detects that the partner file server has suffered an error condition, wherein the file server processes file service operations received via the secondary data access port to provide file service operations to clients of the partner file server.*

Further, Applicant respectfully urges that Bhanot is silent concerning Applicant's claimed *a secondary data access port . . . being active when the file server detects that the partner file server has suffered an error condition . . . to provide file service operations to clients of the partner file server*. Nowhere does Bhanot disclose Applicant's claimed novel *a secondary data access port*.

Accordingly, Applicant respectfully urges that Bhanot is legally precluded from anticipating Applicant's claimed novel invention because of the absence from Bhanot of Applicant's claimed novel *a secondary data access port, the secondary data access port only being active when the file server detects that the partner file server has suffered an error condition, wherein the file server processes file service operations received via the secondary data access port to provide file service operations to clients of the partner file server*.

At Paragraph 7 of the Office Action Claims 1-4, and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sundaresan et al. U. S. Patent Application Publication No. US 2003/0033412 A1 published February 13, 2003 (hereinafter Sundaresan).

The present invention, as set forth by representative Claim 1, comprises in part:

1. A method for a first file server to provide file service operations normally performed by a second file server after the second file server suffers an error condition, the first and second file servers operatively interconnected with a set of clients using a network protocol, the network pro-

tocol being free of support for moving a transport address from the second file server to the first file server, the method comprising the steps of:

detecting, by the first file server, that the second file server has suffered an error condition;

asserting ownership, by the first file server, of a set of storage devices normally owned by the second file server;

activating, on the first file server, a secondary data access port for receiving connections over a network; and

*processing, by the first file server, file service operations directed to the secondary data access port from a set of failover clients, the failover clients accessing the first file server by computing a network address associated with the first file server from a symbolic name generated from the second file server, whereby failover operation is achieved by the client.*

Sundaresan discloses a plurality of file servers, each having a name of the cluster upon which the file server resides, and a name of the instance of the server that is to be connected to. [ See: Sundaresan Specification at Page 3 paragraph 26.] A client must have both names, the name of the cluster upon which the file server resides, and a name of the instance of the server that is to be connected to. When a client attempts to connect to a server, the client is given these two names. When a server fails, the client is given another two names, so that the client can connect to another server.

Applicant respectfully urges that Sundaresan has no disclosure of Applicant's claimed novel *processing, by the first file server, file service operations directed to the secondary data access port from a set of failover clients, the failover clients accessing the first file server by computing a network address associated with the first file server*

*from a symbolic name generated from the second file server, whereby failover operation is achieved by the client.*

Further, Sundaresan is silent concerning Applicant's claimed novel *computing a network address associated with the first file server from a symbolic name generated from the second file server*. That is, there is no mention by Sundaresan of Applicant's claimed novel *symbolic name generated from the second file server*.

Accordingly, Applicant respectfully urges that Sundaresan is legally precluded from anticipating Applicant's claimed novel invention under 35 U.S.C. § 102 because of the absence from Sundaresan of Applicant's claimed novel claimed novel *processing, by the first file server, file service operations directed to the secondary data access port from a set of failover clients, the failover clients accessing the first file server by computing a network address associated with the first file server from a symbolic name generated from the second file server, whereby failover operation is achieved by the client.*

At Paragraph 8 of the Office Action, Claims 5, 7, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sundaresan in view of Gronke U. S. Patent Application Publication No. 2002/0071386 published June 13, 2002 (hereinafter Gronke).

Applicant's invention as set forth in representative claim 5, comprises in part:

5. A method for a client to continue to access file service operations after a first file server has suffered an error condition, the method comprising the steps of:

*computing a failover name;*  
*resolving the failover name to a network address; and*  
*connecting to a failover file server using the network address and a predetermined alternate data access port.*

Gronke discloses a failover system in which clients communicate to a virtual port to connect to a server. A virtual to physical port map determines which physical port the client is connected to. In the event of a failure of a server, the map is changed to connect the virtual port to another port, so that the client communicates with another server.

Applicant respectfully urges that Gronke, taken either singly or in combination with Sundaresan does not render the present invention obvious under 35 U.S.C. § 103 because of the absence from both Gronke and Sundaresan of Applicant's claimed novel

*computing a failover name;*  
*resolving the failover name to a network address; and*  
*connecting to a failover file server using the network address and a predetermined alternate data access port.*

In particular, neither Gronke nor Sundaresan has any disclosure of Applicant's claimed novel *computing a failover name; resolving the failover name to a network address; and connecting to a failover file server using the network address and a predetermined alternate data access port.*

*dress.* Further, neither Gronke nor Sundaresan have any disclosure of Applicant's claimed novel *connecting to a failover file server using the network address and a predetermined alternate data access port.*

First, Sundaresan teaches that a client must have a name of the cluster upon which the file server resides, and a name of the instance of the server that is to be connected to.

Second, Gronke teaches that a virtual to physical port map determines which physical port the client is connected to. In the event of a failure of a server, the map is changed to connect the virtual port to another port, so that the client communicates with another server.

That is, neither Sundaresan nor Gronke, have any disclosure of Applicant's claimed novel  
*computing a failover name;*  
*resolving the failover name to a network address;* and  
*connecting to a failover file server using the network address and a predetermined alternate data access port.*

Accordingly, Applicant respectfully urges that both Sundaresan and Gronke, taken either singly or in combination are legally precluded from rendering Applicant's

claimed invention obvious under 35 U.S.C. § 103 because of the absence from both of Applicant's claimed novel

*computing a failover name;*  
*resolving the failover name to a network address; and*  
*connecting to a failover file server using the network address and a predetermined alternate data access port.*

At Paragraph 9 of the Office Action, Claims 9 and 10 were rejected under 35 U.S.C. § 103 as being unpatentable over Bhanot as applied to claim 8, in view of Sundaresan.

Applicant respectfully notes that Claims 9 and 10 are both dependent from independent claims, and the independent claims are believed to be in condition for allowance. Accordingly, the dependent claims are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

PATENTS  
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Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account  
No. 03-1237.

Respectfully submitted,



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